

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ANGELO CLARK,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C. A. No. 06-465 - SLR
	:	
REGIONAL MEDICAL FIRST	:	TRIAL BY JURY OF
CORRECTIONAL,	:	TWELVE DEMANDED
MANAGER ANGELA WILSON, AND	:	
CORRECTIONAL MEDICAL SERVICES,	:	
	:	
Defendants.	:	

**DEFENDANT CORRECTIONAL MEDICAL SERVICES'S**  
**ANSWER TO AMENDED COMPLAINTS**

Defendant Correctional Medical Services ("CMS") (hereinafter the "Answering Defendant"), by and through the undersigned attorneys, submits its answer to the complaint/amended complaints in the above-referenced action.

**I. ANSWER TO CLAIM OF PREVIOUS LAWSUITS**

A. No answer required from answering Defendant.

Wherefore, Defendant demands judgment in its favor plus costs and attorney's fees.

**II. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

A-D Defendants are without sufficient information or knowledge at the time of Answering this Complaint to form a belief as to these allegations and they are therefore, deemed denied.

Wherefore, Defendant demands judgment in its favor plus costs and attorney's fees.

**III. ANSWER TO CLAIM OF DEFENDANTS**

Denied, claims against Angela Wilson have been dismissed pursuant to Court Order dated December 19, 2006;

Wherefore, Defendant demands judgment in its favor plus costs and attorney's fees.

**IV. ANSWER TO STATEMENT OF CLAIM**

1. Answering Defendant is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph and they are therefore deemed to be denied.

2. Answering Defendant is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph and they are therefore deemed to be denied.

WHEREFORE, Defendant demands judgment in its favor plus costs and attorney's fees.

**ANSWER TO AMENDMENTS TO COMPLAINT**

Without waiving any defenses and specifically preserving all defenses, including insufficiency of service and insufficiency of process, Defendant respectfully wishes to deny the allegation or allegations contained in the amendment or amendments to the Complaint.

WHEREFORE, Defendant demands judgment in its favor plus costs and attorney's fees.

**AFFIRMATIVE DEFENSES**

1. Plaintiff fails to state a claim upon which relief may be granted as to some or all of his claims.

2. Plaintiff fails to state a claim against answering Defendant for which relief may be granted with respects to civil rights claims as Answering Defendant were not deliberately indifferent to a serious medical need.

3. Plaintiff's claims are barred by applicable statutes of limitations.

4. Plaintiff fails to state a claim against defendant Correctional Medical Services upon which relief may be granted with respect to all claims for civil rights violations, as there is no vicarious liability for civil rights claims.

5. The complaint fails to state a claim for punitive damages.

6. Answering Defendant has provided plaintiff with medical care that was appropriate for his conditions and which met the applicable standard of care.

7. Plaintiff has failed to exhaust his administrative remedies.

8. The plaintiff's injuries, if any, resulted from a superseding intervening cause.

9. The plaintiff's injuries, losses, or damages, if any, were the direct, sole, and proximate result of activities or conduct of persons or entities for whom the Answering Defendant is not responsible and over whom the Answering Defendant has no right of authority or control.

10. Answering Defendant denies that it is liable whatsoever to plaintiff. However, if Answering Defendant is held to be liable to plaintiff under the allegations contained in the Complaint, then Answering Defendant is entitled to contribution and/or indemnification from co-defendants for any amounts which answering Defendant may be required to pay to plaintiff.

11. Plaintiff failed to properly plead a medical malpractice action against Answering Defendant.

12. Plaintiff failed to file an affidavit of merit pursuant to 18 Del.C. § 6853.

13. Defendant's actions serve and have served a legitimate penological interest.

14. Plaintiff's complaint should be dismissed for insufficient process and/or service of process;

WHEREFORE, Defendant demands judgment in its favor plus costs and attorney's fees.

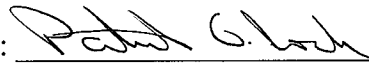
**ANSWER TO ALL PRESENT AND FUTURE CROSSCLAIMS**

Answering Defendant(s) deny(ies) all crossclaims now or hereinafter asserted against them.

**WHEREFORE**, the Answering Defendant(s) asks that the complaint against it be dismissed with prejudice and all costs and attorney's fees be assessed against the plaintiff.

Marks, O'Neill, O'Brien & Courtney, P.C.

By: \_\_\_\_\_



Patrick G. Rock, Esquire (ID 4632)

Megan T. Mantzavinos, Esquire (ID 3802)

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Wilmington, DE 19801

(302) 658-6538

*Attorneys for Defendant*

DATED: July 18, 2007

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ANGELO CLARK,	:	
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Plaintiff,	:	
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REGIONAL MEDICAL FIRST	:	
CORRECTIONAL,	:	
MANAGER ANGELA WILSON, AND	:	
CORRECTIONAL MEDICAL SERVICES,	:	
	:	
Defendants.	:	

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**CERTIFICATE OF SERVICE**

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I, **Patrick G. Rock, Esquire**, of Marks, O'Neill, O'Brien & Courtney, P.C., hereby certify that on this **18<sup>th</sup>** day of **July**, 2007, two copies of the attached **Answer to Amended Complaint** were served by regular mail, first class, postage prepaid, upon the following individual

Inmate Angelo Clark, *Pro Se*  
SBI #123209  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

/s/ Patrick G. Rock  
Patrick G. Rock, Esquire (I.D. No. 4632)  
*Attorney for Defendant CMS*